

# House File 585 - Reprinted

HOUSE FILE 585

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 233)

(As Amended and Passed by the House March 26, 2015)

## A BILL FOR

1 An Act establishing an address confidentiality program in the  
2 office of the secretary of state for a victim of domestic  
3 abuse, domestic abuse assault, sexual abuse, stalking, and  
4 human trafficking and providing for a fee and including  
5 effective date provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   **9E.1 Purpose.**

2     The general assembly finds that individuals attempting to  
 3 escape from actual or threatened domestic abuse, domestic  
 4 abuse assault, sexual abuse, stalking, or human trafficking  
 5 frequently establish new addresses in order to prevent their  
 6 assailants or probable assailants from finding them. The  
 7 purpose of this chapter is to enable state and local agencies  
 8 to respond to requests for data without disclosing the location  
 9 of a victim of domestic abuse, domestic abuse assault, sexual  
 10 abuse, stalking, or human trafficking; to enable interagency  
 11 cooperation with the secretary of state in providing address  
 12 confidentiality for victims of domestic abuse, domestic abuse  
 13 assault, sexual abuse, stalking, or human trafficking; and to  
 14 enable program participants to use an address designated by  
 15 the secretary of state as a substitute mailing address for  
 16 the purposes specified in this chapter. In addition, the  
 17 purpose of this chapter is to prevent such victims from being  
 18 physically located through a public records search.

19     Sec. 2. NEW SECTION.   **9E.2 Definitions.**

20     As used in this chapter, unless the context otherwise  
 21 requires:

22     1. "*Address*" means a residential street address, school  
 23 address, or work address of an individual, as specified on the  
 24 individual's application to be a program participant under this  
 25 chapter.

26     2. "*Applicant*" means an adult, a parent or guardian acting  
 27 on behalf of an eligible minor, or a guardian acting on behalf  
 28 of an incapacitated person as defined in section 633.701.

29     3. "*Designated address*" means the mailing address assigned  
 30 to a program participant by the secretary.

31     4. "*Domestic abuse*" means the same as defined in section  
 32 236.2.

33     5. "*Domestic abuse assault*" means the same as defined in  
 34 section 708.2A.

35     6. a. "*Eligible person*" means a person who is all of the

1 following:

2 (1) A resident of this state.

3 (2) An adult, a minor, or an incapacitated person as defined  
4 in section 633.701.

5 (3) A victim of domestic abuse, domestic abuse assault,  
6 sexual abuse, stalking, or human trafficking as evidenced  
7 by the filing of a petition pursuant to section 236.3 or a  
8 criminal complaint or information pursuant to section 708.2A,  
9 708.11, or 710A.2, or any violation contained in chapter 709.

10 *b.* For purposes of this subsection, a person determined to  
11 be a sexually violent predator pursuant to section 229A.7 or a  
12 similar law of another state is not an eligible person.

13 7. "*Human trafficking*" means a crime described in section  
14 710A.2.

15 8. "*Mail*" means first-class letters and flats delivered  
16 via the United States postal service, including priority,  
17 express, and certified mail, and excluding packages,  
18 parcels, periodicals, and catalogues, unless they are clearly  
19 identifiable as pharmaceuticals or clearly indicate that they  
20 are sent by a state or county government agency.

21 9. "*Program*" means the address confidentiality program  
22 established in this chapter.

23 10. "*Program participant*" means an individual certified by  
24 the secretary as a program participant under section 9E.3.

25 11. "*Secretary*" means the secretary of state.

26 12. "*Sexual abuse*" means a violation of any provision of  
27 chapter 709.

28 13. "*Stalking*" means the same as defined in section 708.11.

29 **Sec. 3. NEW SECTION. 9E.3 Address confidentiality program.**

30 1. *Application.* The secretary shall certify an eligible  
31 person as a program participant if the secretary receives an  
32 application containing all of the following information:

33 *a.* The full legal name of the eligible person.

34 *b.* A statement by the applicant that the applicant has good  
35 reason to believe any of the following:

1 (1) Either of the following:

2 (a) The eligible person listed on the application is a  
3 victim of domestic abuse, domestic abuse assault, sexual abuse,  
4 stalking, or human trafficking.

5 (b) The eligible person fears for the person's safety, the  
6 safety of another person who resides in the same household as  
7 the eligible person, or the safety of persons on whose behalf  
8 the application is made.

9 (2) The eligible person is not applying for certification as  
10 a program participant in order to avoid prosecution.

11 c. A designation of the secretary as the agent for service  
12 of process and for the purpose of receipt of mail.

13 d. The telephone number or telephone numbers where the  
14 secretary can contact the applicant or eligible person.

15 e. The residential address of the eligible person,  
16 disclosure of which could lead to an increased risk of domestic  
17 abuse, domestic abuse assault, sexual abuse, stalking, or human  
18 trafficking.

19 f. If mail cannot be delivered to the residential address  
20 of the eligible person, the address to which mail can be sent  
21 to the eligible person.

22 g. A statement whether the eligible person would like  
23 information on becoming an absentee ballot recipient pursuant  
24 to section 9E.6.

25 h. A statement from the eligible person that gives  
26 the secretary consent to confirm the eligible person's  
27 participation in the program to a third party.

28 i. The signature of the applicant indicating the applicant's  
29 authority to act on behalf of the eligible person, if  
30 appropriate.

31 j. The date the application was signed.

32 k. Any other information as required by the secretary  
33 pursuant to rule.

34 2. *Filing.* Applications shall be filed with the secretary.

35 3. *Certification.* Upon filing a complete application,

1 the secretary shall certify the eligible person as a program  
2 participant. A program participant shall be certified for four  
3 years following the date the application is certified by the  
4 secretary unless the certification is canceled, withdrawn, or  
5 invalidated. The secretary shall establish by rule a renewal  
6 procedure for recertification.

7 4. *Changes in information.* A program participant or an  
8 applicant shall inform the secretary of any changes in the  
9 program participant's information submitted on the application.

10 5. *Designated address.* The secretary shall assign a  
11 designated address to which all mail for a program participant  
12 shall be sent.

13 6. *Attaining age of majority.* An individual who was a minor  
14 when the person was certified as a program participant is  
15 responsible for changes in information and renewal after the  
16 individual reaches the age of eighteen.

17 7. *Liability.* A governmental body, as defined in section  
18 21.2, or an entity created pursuant to chapter 28E, shall not  
19 be liable for acts or omissions relating to this chapter.

20 Sec. 4. NEW SECTION. 9E.4 **Certification cancellation.**

21 1. The secretary may cancel a program participant's  
22 certification under any of the following circumstances:

23 a. The program participant's legal name or contact  
24 information changes, unless the program participant provides  
25 the secretary with prior written notice of the name change or  
26 contact information.

27 b. Mail forwarded by the secretary to the program  
28 participant's address is returned as undeliverable by the  
29 United States postal service.

30 c. The program participant is no longer eligible for the  
31 program.

32 d. The program participant does not accept service of  
33 process or is unavailable for delivery of service of process as  
34 described in section 9E.5, subsection 4.

35 2. The secretary shall cancel a program participant's

1 certification if the program participant's application contains  
2 false information.

3     Sec. 5. NEW SECTION.   **9E.5 Use of designated address.**

4     1. When a program participant presents the program  
5 participant's designated address to any person, that designated  
6 address shall be accepted as the address of the program  
7 participant. The person shall not require the program  
8 participant to submit any other address that could be used  
9 to physically locate the program participant either as a  
10 substitute address or in addition to the designated address,  
11 or as a condition of receiving a service or benefit, unless  
12 the service or benefit would be impossible to provide without  
13 knowledge of the program participant's physical location.

14     2. A program participant may use the designated address as  
15 the program participant's work address.

16     3. The secretary shall forward all mail sent to the  
17 designated address to the program participant.

18     4. The office of the secretary of state shall act as agent  
19 of the program participant for purposes of service of process.  
20 The secretary of state shall forward any service of process  
21 received by the office of the secretary of state by certified  
22 mail, return receipt requested to the designated address of the  
23 program participant within three days of receipt in the office  
24 of the secretary of state. A program participant shall either  
25 accept or reject service of process and the secretary of state  
26 shall notify the person initiating the service of process,  
27 unless such person is not ascertainable from the service of  
28 process documents, of the date of the program participant's  
29 acceptance or rejection of the service of process. The  
30 date of service of the service of process is the date of the  
31 participant's acceptance or rejection.

32     5. If a program participant has notified a person in  
33 writing, on a form prescribed by the secretary, that the  
34 individual is a program participant and of the requirements  
35 of this section, the person shall not knowingly disclose the

1 program participant's address, unless any of the following:

2     a. The person to whom the address is disclosed also lives,  
3 works, or goes to school at the address disclosed.

4     b. The program participant has provided written consent to  
5 disclosure of the program participant's name and address for  
6 the purpose for which the disclosure will be made.

7     6. This section does not apply to documents or records  
8 relating to real property. The secretary shall offer a program  
9 participant information relating to the purchase of real  
10 property utilizing limited liability companies, trusts, or  
11 other legal entities in order to protect the participant's  
12 identity for purposes of this program when purchasing real  
13 property.

14     Sec. 6. NEW SECTION. 9E.6 Voting by program participant —  
15 absentee ballot.

16     1. A program participant who is an eligible elector may  
17 register to vote with the state commissioner of elections,  
18 pursuant to section 48A.8, subsection 1. The name, address,  
19 and telephone number of a program participant shall not be  
20 listed in the statewide voter registration system.

21     2. a. A program participant who is otherwise eligible  
22 to vote may annually register with the state commissioner  
23 of elections as an absentee voter. As soon as practicable  
24 before each election, the state commissioner of elections shall  
25 determine the precinct in which the residential address of the  
26 program participant is located and shall request and receive  
27 from the county commissioner of elections the ballot for that  
28 precinct and shall forward the absentee ballot to the program  
29 participant with the other materials for absentee balloting as  
30 required of the county commissioner of elections by section  
31 53.8.

32     b. The program participant shall complete the ballot and  
33 return it to the state commissioner of elections, who shall  
34 review the ballot in the manner provided by sections 53.18  
35 and 53.19. If the materials comply with the requirements

1 of section 53.18, the materials shall be certified by the  
2 state commissioner of elections as the ballot of a program  
3 participant, and shall be forwarded to the appropriate county  
4 commissioner of elections for tabulation by the special voters  
5 precinct election board appointed pursuant to section 53.23.

6 c. The state commissioner of elections, to the extent  
7 practicable, shall administer this section in accordance with  
8 the provisions of chapters 48A and 53 applicable to county  
9 commissioners of elections.

10 Sec. 7. NEW SECTION. 9E.7 Confidentiality of information.

11 1. a. Except as otherwise provided in subsection  
12 2, information collected, created, or maintained by the  
13 secretary related to applicants, eligible persons, and program  
14 participants is confidential unless otherwise ordered by a  
15 court or released by the lawful custodian of the records  
16 pursuant to state or federal law.

17 b. A program participant's name and address maintained  
18 by a local governmental body that is part of an ongoing  
19 investigation or inspection of an alleged health code,  
20 building code, fire code, or city ordinance violation  
21 allegedly committed by the program participant is confidential  
22 information.

23 2. Upon request from the department of public safety,  
24 the secretary may share confidential information with the  
25 department of public safety. Such confidential information  
26 received by the department of public safety may be released  
27 to a law enforcement agency upon verification that the  
28 release will aid the law enforcement agency in responding to  
29 an emergency situation, a criminal complaint, or an ongoing  
30 investigation.

31 3. This section shall not be construed to prohibit the  
32 dissemination of information relating to the program to any  
33 agency or organization if necessary for carrying out the  
34 official duties of the agency or organization, or to a person  
35 if disseminated for an official purpose, or to any other person



1 if necessary to protect a person or property from a threat of  
2 imminent serious harm.

3 4. If a program participant has notified the program  
4 participant's landlord in writing that the individual is a  
5 program participant pursuant to this chapter, a local ordinance  
6 or the landlord shall not allow the display of the program  
7 participant's name at an address otherwise protected under this  
8 chapter.

9 5. This section shall not be construed to prohibit the  
10 enforcement of a lease agreement between a program participant  
11 and a program participant's landlord.

12 Sec. 8. Section 48A.8, subsection 1, Code 2015, is amended  
13 to read as follows:

14 1. An eligible elector may request that a voter registration  
15 form be mailed to the elector. The completed form may be  
16 mailed or delivered by the registrant or the registrant's  
17 designee to the commissioner in the county where the person  
18 resides or to the state commissioner of elections for a  
19 program participant, as provided in section 9E.6. A separate  
20 voter registration form shall be signed by each individual  
21 registrant.

22 Sec. 9. Section 53.2, Code 2015, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 9. A registered voter who is a program  
25 participant under section 9E.6 may register to vote as an  
26 absentee voter with the state commissioner of elections  
27 pursuant to section 9E.6, subsection 2.

28 Sec. 10. Section 252B.9, subsection 3, paragraph i, Code  
29 2015, is amended by adding the following new subparagraph:

30 NEW SUBPARAGRAPH. (07) The unit receives notification that  
31 an individual is a certified program participant as provided  
32 in chapter 9E.

33 Sec. 11. Section 252B.9, subsection 3, paragraph i,  
34 subparagraph (7), Code 2015, is amended to read as follows:

35 (7) The unit receives notification, as the result of a

1 request under section 252B.9A, of the existence of any finding,  
2 order, safety plan, certification, or founded allegation  
3 referred to in subparagraphs (1) through ~~(6)~~ (07) of this  
4 paragraph.

5 Sec. 12. Section 602.8102, subsection 135A, Code 2015, is  
6 amended to read as follows:

7 135A. Assess the surcharges provided by sections 911.1,  
8 911.2, 911.2A, 911.2B, 911.2C, 911.3, and 911.4.

9 Sec. 13. Section 602.8108, Code 2015, is amended by adding  
10 the following new subsection:

11 NEW SUBSECTION. 6A. An address confidentiality program  
12 fund is established as a separate fund in the state treasury.  
13 The clerk of the district court shall remit all moneys  
14 collected from the assessment of the surcharges provided in  
15 sections 911.2B and 911.2C to the state court administrator  
16 for deposit in the fund, which shall be transferred by the  
17 treasurer of state on a quarterly basis to the office of  
18 the secretary of state to defray the administrative costs  
19 associated with the address confidentiality program established  
20 in chapter 9E.

21 Sec. 14. NEW SECTION. **911.2B Domestic abuse assault, sexual**  
22 **abuse, stalking, and human trafficking victim surcharge.**

23 1. In addition to any other surcharge, the court or clerk  
24 of the district court shall assess a domestic abuse assault,  
25 sexual abuse, stalking, and human trafficking victim surcharge  
26 of one hundred dollars if an adjudication of guilt or a  
27 deferred judgment has been entered for a violation of section  
28 708.2A, 708.11, or 710A.2, or chapter 709.

29 2. In the event of multiple offenses, the surcharge shall be  
30 imposed for each applicable offense.

31 3. The surcharge shall be remitted by the clerk of court as  
32 provided in section 602.8108, subsection 6A.

33 Sec. 15. NEW SECTION. **911.2C Domestic abuse protective**  
34 **order contempt surcharge.**

35 1. In addition to any other surcharge, the court or clerk

1 of the district court shall assess a domestic abuse protective  
2 order contempt surcharge of fifty dollars against a defendant  
3 who is held in contempt of court for violating a domestic abuse  
4 protective order issued pursuant to chapter 236.

5 2. In the event of multiple violations, the surcharge shall  
6 be imposed for each applicable violation.

7 3. The surcharge shall be remitted by the clerk of court as  
8 provided in section 602.8108, subsection 6A.

9 Sec. 16. EFFECTIVE DATE. Except for the sections of this  
10 Act amending sections 602.8102 and 602.8108 and enacting  
11 sections 911.2B and 911.2C, imposing a domestic abuse assault,  
12 sexual abuse, stalking, and human trafficking victim surcharge  
13 and a domestic abuse protective order contempt surcharge, this  
14 Act takes effect January 1, 2016.